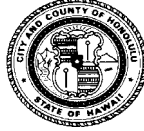


**CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU
711 Kapiolani Blvd. Suite 1485
Honolulu, Hawaii 96813**



**MONDAY, DECEMBER 18, 2006
REGULAR MEETING**

**CITY COUNCIL COMMITTEE ROOM
SECOND FLOOR
CITY HALL**

MINUTES

Charter Commission Members Present:

Donn M. Takaki
Jeffrey T. Mikulina (Late 4:20 p.m.)
Jerry Coffee
E. Gordon Grau
Amy Hirano
Darolyn H. Lendio
Jim Myers
James Pacopac
Malcolm Tom (Late 4:02p.m.)

Charter Commission Members Excused:

Andy Chang
Jared Kawashima
Stephen Meder
Jan Sullivan

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Diane Kawauchi, Deputy Corporation Counsel, Department of the Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

1. Call to Order

Chair Donn Takaki called the meeting to order at 4:00 p.m. on December 18, 2006.

2. For Approval - Minutes from January 24, March 28, April 4, May 10 and August 28, 2006 meetings

Action:

Commissioner Lendio moved to approve the minutes of January 24 meeting. Commissioner Myers seconded the motion. No discussion followed.

All commissioners present voted in favor of the motion, and the motion was passed.

Commissioner Tom arrived

Action:

Commissioner Lendio moved to approve the minutes of March 28, 2006 meeting. Commissioner Myers seconded the motion. Discussion followed.

Commissioner Lendio asked to make a correction on page 13, last paragraph second line, the word “intenerated” should be “intimidated”. Correction was noted for the record.

Chair Takaki called for the vote with corrections by Commissioner Lendio.

All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Lendio moved to approve minutes of April 4, 2006. Commissioner Hirano seconded that motion. No discussion followed.

All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Lendio moved to approve minutes of May 10, 2006. Commissioner Pacopac seconded that motion. No discussion followed.

All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Lendio moved to approve minutes of August 28, 2006. Commissioner Myers seconded that motion. No discussion followed.

All commissioners present voted in favor of the motion, and the motion was passed.

3. Executive Administrator’s Report

Executive Administrator Narikiyo reported on the budget they have are preliminary figures he will get to when they get to the final report on the agenda. He commented he thought the

public education program went well and staff executed the plan approved by the Commission. He stated the brochure and mass mailing went as planned and resulted in a great many phone calls and e-mails to the Charter Commission office with different questions and a few general complaints about politics in general. He went on to say the brochures were distributed to state libraries and Satellite City Halls and the full text of the proposals and the digest were translated into the required languages and distributed as well and made available at the City Clerk's Office. He noted the newspaper ads ran three times, and the radio and television ads were done over a two-week period. Mr. Narikiyo stated the Charter Commission's website was updated and received a record number of hits in October/November.

Executive Administrator Narikiyo thanked the Commissioners on behalf of the staff for making their experience very pleasant one.

4. FOR REVIEW, DISCUSSION, REVISION AND ACTION OF THE FINAL REPORT:

The following individuals testified:

1. Tom Heinrich

Written Testimony:

1. Tom Heinrich

Tom Heinrich expressed his gratitude of the Commissioners, Diane Kawauchi and Corporation Counsel, Charter Commission Staff – Chuck, Loretta and Nikki. He commented he thought all have spent way more time than most have appreciation for, such as getting things ready and especially Commissioner Myers' extra effort on getting everything ready for what needed to be published, and all the rest. He noted there are a lot of things that happen outside of the meetings and there are many who well appreciated that.

Mr. Heinrich summarized his written comments and noted based on extended discussions he had with the Charter Commission staff, it's a matter that whoever has this duty for the next Charter Commission would have some other advantages based on what this Charter Commission went through. He stated there were a number of things that were very different this time, such as the electronic documents and the public outreach meetings. In that respect, he wanted to note first the references made to some comments he made a long time ago on page 16 of the draft final report. He asked that the Commissioners look on page 2 of his written testimony, he has a new heading "For Corporation Counsel" and feels it's a better statement of what the tone of those comments were. He went on to say his suggestions are not something that is intended to go to the electorate, but rather ideally when the new charter is republished, there are some additional things that would make the Commission's, public and everyone else's job easier. Mr. Heinrich stated secondly in the third section of his testimony, he noted to Chuck that this might be in additional sentence or two, if the Charter Commission chooses to amend the final report right at that section; under the new heading of "For Corporation Counsel" there might simply be the acknowledgement that someone or some division in Corporation Counsel should be tasked with serving as the clearinghouse or the point for charter-related issues year round. He commented it's his understanding from talking with some of the Commissioners and some of the staff that there isn't anyone or any one division that consistently serves as a point of contact as similar to

Legislative Reference Bureau or someone at Office of Information Practices in relation to Sunshine Law. He went on to say the one or two sentence addition might simply be to reflect his section 3 in that someone or some division such as drafting and counseling within the Department of Corporation Counsel actually coordinate those types of things. Mr. Heinrich commented the last things on his testimony are really there for next time, to go into the file. He summarized that in listening to so many of the discussions before the Commission, he felt that there was one thing the Commission really got frustrated with – there wasn't a step to prioritize what things they wanted to move forward. He noted they kind of went through things sequentially, and they all got frustrated with the fact that there were beginning to get so many questions and they felt they shouldn't move those questions forward. He stated in his written testimony he described where he thinks the process for the next Commission can be improved, so they can move things forward and then give themselves an opportunity to organize that, and still have the authority to draw the line on how many questions should move forward or be consolidated. He went on to say in that respect he leaves the rest of his comments to his written testimony, but he thinks for the next Commission, one of the first statements having to do with the review of the proposed rules and everything else will be to make sure that that Commission has that opportunity. He commented under the Commission Rule 4 it wasn't well expressed, although he would argue they had the leeway, he doesn't think the Commission was comfortable with making changes midstream. Mr. Heinrich stated most important for right now is that he would ask the Commission to consider his first two comments in his written testimony and especially simply how it may be revised so that there is a heading for Corporation Counsel and then a proper statement there.

Executive Administrator Narikiyo stated attached to the agenda is the "Draft Final Report" and in their folders is a table of contents for the appendices and then the "Draft Appendices". He noted the draft final report was reviewed and approved by the Committee on Submission and Information. He also noted on the draft final report there's a space for budget information on page 5 and that information for the budget summary and a spreadsheet of actual expenditures only through December 13 is also in their folders. He stated there are a few more bills and payroll that needs to be paid but overall they are well under budget and noted there were a lot of contingencies built in.

Chair Takaki asked for a motion to discuss the final report.

First Motion:

Commissioner Lendio moved to approve the final report. Commissioner Myers seconded that motion. Discussion followed.

Commissioner Myers asked Deputy Corporation Counsel Kawauchi how she felt about Mr. Heinrich's request to include Corporation Counsel year round basis to look at or administer any Charter amendment types of suggestions and so on made earlier? Deputy Corporation Counsel Kawauchi responded she understood it would be placed in a portion of the Commission's final report for issues for future consideration and thinks Corporation Counsel would take it as a position of the Charter Commission that this something that the Charter Commission would support for consideration for responsibilities of the Corporation Counsel.

Executive Administrator Narikiyo commented the way he was following Mr. Heinrich's

testimony is he thought Mr. Heinrich wants to add a heading on page 16 of the final report. Executive Administrator Narikiyo stated currently there's a heading for City Council, there's a heading for the Next Charter Commission and the paragraph right before the "Next Charter Commission", he thought Mr. Heinrich would like to place a heading "For Corporation Counsel", right before that paragraph.

Chair Takaki asked Deputy Corporation Counsel Kawauchi if she saw any issues with that statement? Deputy Corporation Counsel Kawauchi responded she sees no legal problem because she would read that as a desire of this Charter Commission for the future role for Corporation Counsel.

Second Motion (to amend Final Report):

Commissioner Myers moved to amend to insert the heading "For Corporation Counsel" on Page 16 of the Final Report, in the third paragraph under "For City Council". Commissioner Tom seconded that motion. No discussion followed.

AYES: TAKAKI, COFFEE, GRAU, MYERS, PACOPAC, TOM - 6
NOES: LENDIO, HIRONO - 2
EXCUSED: CHANG, KAWASHIMA, MEDER, MIKULINA, SULLIVAN - 5

SECOND MOTION PASSED, Final Report amended

Chair Takaki asked if there was any other discussion on the original motion.

Commissioner Tom expressed concerns on page 16 of the final report, second paragraph last sentence, "In addition, some of the proposals that the Commission placed on the 2006 ballot but were not accepted by the voters may bear revisiting in the future." He felt the voters have already spoken and to say to the Council they should revisit these proposals he thinks does not give much credibility or respect to the voters and would feel much better if that one sentence was deleted.

Third Motion (to amend Final Report):

Commissioner Tom moved to delete the last sentence of paragraph two on page 16 of the final report. Commissioner Pacopac seconded that motion. Discussion followed.

Chair Takaki commented he was fine with that sentence because they as the Commission as a whole approved and he felt it doesn't seem to be too strong of a language to be not included.

AYES: COFFEE, MYERS, PACOPAC, TOM - 4
NOES: TAKAKI, GRAU, HIRANO, LENDIO - 4
EXCUSED: CHANG, KAWASHIMA, MEDER, MIKULINA, SULLIVAN - 5

THIRD MOTION FAILED

Chair Takaki asked if there were any other proposed amendments, there were none.

ACTION:

Chair Takaki called for the vote of the first motion with the amendments voted upon earlier.

AYES: TAKAKI, COFFEE, GRAU, HIRANO, LENDIO, MYERS, PACOPAC, TOM - 8
NOES: NONE - 0
EXCUSED: CHANG, KAWASHIMA, MEDER, MIKULINA, SULLIVAN – 5

FIRST MOTION PASSED, Final Report approved as amended

5. Committee Reports

- a. **Style Committee** – No Report
- b. **Submission and Information Committee** – No Report
- c. **Budget Committee** – Commissioner Myers reported only what Executive Administrator Narikiyo reported earlier during the discussion of the final report and that the Commission appears to be well under budget.
- d. **Personnel Committee** – No Report
- e. **Rules Committee** – No Report

6. Officers Reports

- a. **Chair Donn Takaki** – No Report

****Commissioner Mikulina arrived****

- b. **Vice-Chair Jeff Mikulina** –No Report
- c. **Treasurer Jim Myers** – No Report
- d. **Secretary James Pacopac** – No Report

7. Announcements

Chair Takaki read for the record, on behalf of the Charter Commissioners he would like to thank and acknowledge some of the people who helped the Commission and staff over the last two years. Thank you to the City Council, the Charter Commission is placed under for Administrative purposes in addition to the budgetary support he thanked the Councilmembers and their staff members for their input during this process. The Council Administrative Staff and the Employees of the Print Shop, especially Mike Lowe, who helped us with nearly all of the Commission meetings and the City Clerk's office who provided so much support and wanted to acknowledge that. Chair Takaki also thanked the Mayor and the Administration for their input and assistance. In particular, the Department of Design and Construction and the Department of Facilities Maintenance who gave us much

assistance and accommodated our meetings, many of which lasted well into the evening. Finally he acknowledged and thanked the Department of Corporation Counsel, Deputy Corporation Counsel Kawauchi, Deputy Corporation Counsel Sunakoda and Deputy Corporation Counsel Spurlin for their long hours, hard work and legal counsel.

Commissioner Coffee thanked his fellow Commissions for taking up the slack with the vacancy he left during late July through August to run for Congress, a humanitarian trip and other personal matters. He was proud and gratified by participating with the Commission and noted he had learned so much from everyone and is proud of his participation.

8. Adjournment

Commissioner Hirano moved to adjourn the meeting. Commissioner Lendio seconded that motion. Meeting adjourned at 4:22 p.m.